

REMARKS:

In the foregoing amendments, applicant's specification disclosure and claims were amended to remove the objections that were set forth in sections 1 and 2 on page 2 of the Official action. In addition, claims 1, 6, and 12 were amended to further defined that the at least one (elongated) slit (or the right and left slits) is (are) arranged relative to the right and left eyes of the user for viewing objects through the at least one (elongated) slit (or the right and left slits) by the user. Claims 1-12 are pending in the application. The Official action objected to claims 4, 10, and 11 as being dependent upon a rejected base claim, but kindly stated that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Accordingly, claims 1-3, 5-9, and 12 remain in the application for consideration by the examiner.

The Official action set forth a single rejection of claims 1-3, 5-9, and 12 under 35 U.S.C. §103(a) as being unpatentable over U.S. patent No. 6,257,719 of Pavlak. Applicant respectfully traverses this rejection. In the foregoing amendments, applicant amended claims 1, 6, and 12 to better define the invention. For the following reasons, it is respectfully submitted that claims 1-3, 5-9, and 12 are patentable over the teachings of Pavlak.

In the prior art rejection, the Official action stated that Pavlak discloses right and left spectacle lenses (112r, 112s,) right and left side pieces (116) for holding the right and left spectacle lenses in front right and left eyes of a user,

respectively; and at least one slit provided above the right and left spectacle lenses to extend horizontally over the right and left spectacle lenses. The Official action acknowledged that Pavlak does not intend his device to be used for "correcting presbyopia." However, the Official action stated that this feature is an intended use of applicant's device and not a limiting feature of the claim.

The teachings of Pavlak are directed to protective eyewear and have nothing to do with spectacles for presbyopia, as required in the present claims. Claims 1, 6, and 12 require that the at least one (elongated) slit (or the right and left slits) is (are) arranged relative to the right and left eyes of the user for viewing objects through the at least one (elongated) slit (or the right and left slits) by the user. The structure proposed by Pavlak does not contemplate or suggest the presently claimed arrangement where the user of the spectacles can view objects through the at least one (elongated) slit (or the right and left slits) is (are) that are arranged relative to the right and left eyes of the user for viewing objects through the at least one (elongated) slit (or the right and left slits) by the user. Therefore, it is impossible for the structure proposed by Pavlak to contemplate or suggest that defined by applicant's claims.

Applicant is attaching four figures hereto. The first picture corresponds to figure 2 described in Pavlak, and the other three pictures correspond to a crude modification of the structure proposed by Pavlak to accommodate the structure in the claims of the present application. In all of the four pictures,

please note the relative arrangement between the user's eyes and the structural members making up the spectacles.

A user of the spectacles in the present claims can see objects through the slit in picture 1, through the lenses in picture 2, and over the top of the slit in picture 3, as shown by the arrows therein. The brow bar proposed in the device of Pavlak allegedly corresponds to the beam-like member 6 in the present application. The brow bar proposed by Pavlak includes an absorbent insert that makes close contact with the user's face, which is neither useful nor necessary in the presently claimed invention and probably detrimental to the presently claimed invention.

In contrast to the devise proposed by Pavlak, the beam like member 6 in the present invention forms a slit, as presently claimed, with a lower beam-like member and through which the user can observe objects. In contrast to the devise proposed by Pavlak, the beam like member 6 in accordance with applicant's claimed invention is arranged at the same level as eyes in order to form a slit, but it does not have any contact with the user's face, and it also does not include the absorbent insert required in Pavlak. A user of the spectacles proposed by Pavlak cannot see the reverse side of the brow bar (the side of the brow bar facing the user's eyes). In the arrangement set forth in applicant's claims, the user can see the reverse side of the beam-like member 6. The resulting structural differences enable the user of applicant's claimed invention to see the objects through the slit. The devise proposed by Pavlak

does not have this structure and cannot achieve this function. In other words, a user of the spectacles of Pavlak cannot see objects through the brow bar. On the other hand, a user of the spectacles of the presently claimed invention can see the objects over the top of the slit as illustrated in picture 3. In general, as the user of the spectacles for presbyopia, the presently claimed invention can be used to see the objects in the middle or long distance beyond the top of the spectacles. It is readily apparent to any person skilled of this art that the brow bar within the structure of the spectacles proposed by Pavlak is far from the range of user's eye sight. Therefore, the teachings of Pavlak cannot contemplate or suggest the basic structures of applicant's claimed invention, which include structure where at least one (elongated) slit (or the right and left slits) is (are) arranged relative to the right and left eyes of the user for viewing objects through the at least one (elongated) slit (or the right and left slits) by the user.

For the aforementioned reasons, applicant respectfully submits that claims 1-3, 5-9, and 12 are patently distinguishable from the teachings of Pavlak within the meaning of 35 U.S.C. §103(a). Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

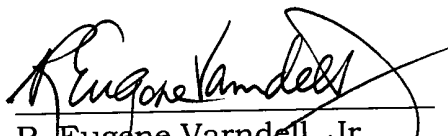
Based on the foregoing amendments and remarks, favorable consideration and allowance of claims 1-3, 5-9, and 12, together with allowable claims 4, 10, and 11, is respectfully requested.

While it is believed that the foregoing is a complete and proper response to the Official action mailed April 21, 2004, in the event the examiner has any

comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefore, as well as any other fees which become due, may be charged or credited to our deposit account No. 22-0256.

Respectfully submitted,
VARNDELL & VARNDELL, PLLC



R. Eugene Varndell, Jr.
Attorney for Applicants
Registration No. 29,728

V:\Vdocs\W_Docs\July04\P071-2576 RS.doc
Atty. Case No. VX032576
106-A S. Columbus St.
Alexandria, VA 22314
(703) 683-9730